

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.Nos.39379 of 2014 and 2922 of 2015

-

COMMON ORDER:

Heard.

The 4th respondent filed a complaint before the Judicial First Class Magistrate, Rajole, and as per the orders of the said Court, a case in FIR.No.21 of 2014 was registered against A1 to A4 on 15-02-2014 and A1 and A2 have questioned the said FIR in W.P.No.2922 of 2015 and A3 and A4 have questioned the said FIR in W.P.No.39379 of 2014.

Learned counsel for the petitioners submits that a mere looking at the complaint it cannot be said that any offence is made out against the petitioners, even otherwise there is no evidence produced by the complainant in support of the said claim.

Learned Government Pleader for Home has received instructions, which state that the investigation so far conducted discloses that there is a prima facie case against A3 and A4 and hence, after completion of investigation, charge-sheet was filed against A3 and A4 on 02-09-2014 and the same was taken cognizance by the Judicial First Class Magistrate, Rajole and it is numbered as C.C.No.380 of 2014 and it is pending trial and it is stated to be posted to 18-03-2015.

So far as A1 and A2 are concerned, the instructions state that A1 and A2 are staying at Gulf and during investigation, it is found that for the purpose of wrongful gain, the said complaint was filed against A1 and A2. It is specifically stated in the instructions that respondent police are not taking any coercive steps against A1 and A2 and they will complete the investigation and appropriate final report will be filed so far as A1 and A2 are concerned.

In view of that, so far as A3 and A4, who are petitioners in W.P.No.39379 of 2014, are concerned, they have to defend themselves in C.C.No.380 of 2014, which is already pending before competent criminal court and the relief sought for by the

petitioners in W.P.No.39379 of 2014 cannot be granted.

So far as A1 and A2, who are petitioners in W.P.No.2922 of 2015, are concerned, since no coercive steps are taken by the police and the evidence as on today does not disclose that prima facie any offence is committed by A1 and A2, it is appropriate to await till the respondent police completes investigation and files appropriate final report.

Hence, the 3rd respondent is directed to complete the investigation so far as A1 and A2 are concerned and file appropriate final report before competent criminal court.

Accordingly, both the writ petitions are disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 31-03-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.Nos.39379 of 2014 and 2922 of 2015

31-03-2015